

Attorney's Docket: 1999DE133/C1/D
Serial No.: 10/807,634
Group: 1626

REMARKS

The Office Action mailed October 20, 2004, has been carefully considered along with cited reference. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the Application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

Claim Status

Claims 1-8 are pending in this Application, while claims 9-16 have been previously cancelled. By this Amendment, Applicants have added new claim 17 to further clarify the subject matter which Applicants regard as the invention.

Claim Rejection Under 35 USC § 103

Claims 1-8 stand rejected under 35 USC § 103(a) as being "anticipated" by Jun et al., JP 200273346-A. Applicants note that the Office used word "anticipated," however, it is Applicants' belief that the Office intended a § 103 rejection rather than a § 102 rejection. The rejection is respectfully traversed.

Applicants hereby perfect their foreign priority claim of December 2, 1999 by attaching herewith a copy of an English translation of the certified copy of the foreign priority document, along with a statement that translation of the certified copy is accurate. The certified copy of DE1995818.9 was filed with conjunction with the prosecution of this Application's parent case, Serial No. 09/727,960, which was filed in the United States on December 1, 2000.

Basis for the claimed subject matter can be found in the attached English translation as follows:

Claim 1: Pages 2 through 5, and Examples 1 through 10, beginning on page 15;

Claim 2: Page 5 lines 9-11;

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Claim 3: Page 5 lines 18-20

Claim 4: Page 5 line 24 through page 6 line 9

Claim 5: Page 6 lines 10 -14

Claim 6: Page 5 lines 22 and 23

Claim 7: Page 7 lines 1 - 6

Claim 8: Page 8 lines 14 -17

Claim 17 (new): Page lines 9-11

In view of the above, Applicants courteously believe that priority to DE19958181.9 of December 2, 1999 has been perfected. In consequence, JP 2000-273346-A, published October 3, 2000, does not constitute prior art under § 102 against the Application. Applicants, therefore, respectfully request reconsideration and withdrawal of the § 103 rejection.

Information Disclosure Statement

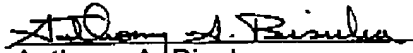
On October 28, 2004 Applicants mailed an IDS complete with a two page 1449 and copies of the references cited. Applicants are in possession of a return receipt postcard indicating receipt by the Office on November 1, 2004, a copy of which is attached for the convenience of the Office. A review of the PAIR system indicates that the IDS is in the file, however, the instant Office Action included a signed 1449 form that was not part of the two page 1449 submitted on October 28, 2004, although the document cited therein did correspond to one of the documents cited in the October 28, 2004 IDS. In view of these facts, Applicants courteously request indication of receipt and consideration of the October 28, 2004 IDS by returning an Examiner initialed 1449.

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

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In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, he is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,


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